

AMENDED IN SENATE APRIL 5, 2001

**SENATE BILL**

**No. 1172**

**Introduced by Senator Kuehl**

February 23, 2001

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~~An act to amend Section 44011 of the Health and Safety Code, and to amend Section 4000.1 of the Vehicle Code, relating to air pollution. An act to add Section 9601.6 to the Public Utilities Code, relating to public utilities.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1172, as amended, Kuehl. ~~Air pollution: vehicles~~ *Municipally owned electric utilities.*

(1) *Under existing law, a municipality or municipal corporation may operate as a public utility to supply its own electric service. Existing law also authorizes a municipality to sell, lease, or distribute surplus power outside of its corporate limits.*

*This bill, on or before July 1, 2002, would authorize any retail customer or local agency that owns or occupies a contiguous property located within more than one service area, one of which includes the service area of the Los Angeles Department of Water and Power, to take electrical service for the entire property from a single electrical service provider, as authorized by the department.*

(2) *The bill would declare that, due to unique circumstances surrounding the provision of power by the Los Angeles Department of Water and Power, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution, and the enactment of a special statute is therefore necessary.*

~~Existing law establishes a motor vehicle inspection and maintenance program (smog check), administered by the Department of Consumer~~

~~Affairs, that requires motor vehicles powered by internal combustion engines in certain areas of the state to obtain a smog check certificate of compliance or noncompliance biennially, upon transfer of ownership, or upon registration of a vehicle previously registered outside of the state. Existing law also exempts from that requirement, until January 1, 2003, any motor vehicle manufactured prior to the 1974 model year, and beginning on that date, any motor vehicle that is 30 or more model years old.~~

~~This bill would, instead exempt any motor vehicle manufactured prior to the 1974 model year from the smog check certificate requirements.~~

Vote: majority. Appropriation: no. Fiscal committee: yes *no*. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1    ~~SECTION 1. Section 44011 of the Health and Safety Code is~~  
2    *Section 9601.6 is added to the Public Utilities Code, to read:*  
3    *9601.6. (a) On or before July 1, 2002, any retail customer or*  
4    *local agency that owns or occupies a contiguous property located*  
5    *within more than one service area, one of which includes the*  
6    *service area of the Los Angeles Department of Water and Power,*  
7    *may take electrical service for the entire property from a single*  
8    *electrical service provider, as authorized by the Los Angeles*  
9    *Department of Water and Power. The right of the retail customer*  
10    *or local agency to take electrical service from such an electrical*  
11    *service provider is not subject to Section 9601 or 9602. This*  
12    *section modifies or abrogates Section 9602 only to the extent that*  
13    *the retail customer or local agency elects to obtain electrical*  
14    *service from a local publicly owned electric utility or an electrical*  
15    *corporation.*  
16    *(b) This section does not authorize the Los Angeles Department*  
17    *of Water and Power to enter into a direct transaction contract with*  
18    *the customers described in subdivision (a), if the total amount of*  
19    *electricity contracts exceeds 50 megawatts per day.*  
20    *SEC. 2. The Legislature finds and declares that, due to unique*  
21    *circumstances surrounding the provision of power by the Los*  
22    *Angeles Department of Water and Power, a general statute cannot*  
23    *be made applicable within the meaning of Section 16 of Article IV*



1 *of the California Constitution, and the enactment of a special*  
2 *statute is therefore necessary.*

3 ~~amended to read:~~

4 ~~44011. (a) All motor vehicles powered by internal~~  
5 ~~combustion engines that are registered within an area designated~~  
6 ~~for program coverage shall be required biennially to obtain a~~  
7 ~~certificate of compliance or noncompliance, except for all of the~~  
8 ~~following:~~

9 ~~(1) Every motorcycle, and every diesel-powered vehicle, until~~  
10 ~~the department, pursuant to Section 44012, implements test~~  
11 ~~procedures applicable to motorcycles or to diesel-powered~~  
12 ~~vehicles, or both.~~

13 ~~(2) Any motor vehicle that has been issued a certificate of~~  
14 ~~compliance or noncompliance or a repair cost waiver upon a~~  
15 ~~change of ownership or initial registration in this state during the~~  
16 ~~preceding six months.~~

17 ~~(3) Any motor vehicle manufactured prior to the 1974~~  
18 ~~model year.~~

19 ~~(4) (A) Any motor vehicle four or less model years old.~~

20 ~~(B) The department, by regulation, may increase the~~  
21 ~~exemption provided by this paragraph to include any motor~~  
22 ~~vehicle up to six or less model years old.~~

23 ~~(C) Any motor vehicle excepted by this paragraph shall be~~  
24 ~~subject to testing and to certification requirements as determined~~  
25 ~~by the department, if any of the following apply:~~

26 ~~(i) The department determines through remote sensing~~  
27 ~~activities or other means that there is a substantial probability that~~  
28 ~~the vehicle has a tampered emission control system or would fail~~  
29 ~~for other cause a smog check test as specified in Section 44012.~~

30 ~~(ii) The vehicle was previously registered outside this state and~~  
31 ~~is undergoing initial registration in this state.~~

32 ~~(iii) The vehicle is being registered as a specially constructed~~  
33 ~~vehicle.~~

34 ~~(iv) The vehicle has been selected for testing pursuant to~~  
35 ~~Section 44014.7 or any other provision of this chapter authorizing~~  
36 ~~out-of-cycle testing.~~

37 ~~(5) In addition to the vehicles exempted pursuant to paragraph~~  
38 ~~(4), any motor vehicle or class of motor vehicles exempted~~  
39 ~~pursuant to subdivision (b) of Section 44024.5. It is the intent of~~  
40 ~~the Legislature that the department, pursuant to the authority~~

1 ~~granted by this paragraph, exempt at least 15 percent of the lowest~~  
2 ~~emitting motor vehicles from the biennial smog check inspection.~~

3 ~~(6) Any motor vehicle that the department determines would~~  
4 ~~present prohibitive inspection or repair problems.~~

5 ~~(7) Any vehicle registered to the owner of a fleet licensed~~  
6 ~~pursuant to Section 44020 if the vehicle is garaged exclusively~~  
7 ~~outside the area included in program coverage, and is not primarily~~  
8 ~~operated inside the area included in program coverage.~~

9 ~~(b) Vehicles designated for program coverage in enhanced~~  
10 ~~areas shall be required to obtain inspections from appropriate~~  
11 ~~smog check stations operating in enhanced areas.~~

12 ~~SEC. 2. Section 4000.1 of the Vehicle Code is amended to~~  
13 ~~read:~~

14 ~~4000.1. (a) Except as otherwise provided in subdivision (b),~~  
15 ~~(c), or (d) of this section, or subdivision (b) of Section 43654 of~~  
16 ~~the Health and Safety Code, the department shall require upon~~  
17 ~~initial registration, and upon transfer of ownership and~~  
18 ~~registration, of any motor vehicle subject to Part 5 (commencing~~  
19 ~~with Section 43000) of Division 26 of the Health and Safety Code,~~  
20 ~~and upon registration of a motor vehicle previously registered~~  
21 ~~outside this state which is subject to those provisions of the Health~~  
22 ~~and Safety Code, a valid certificate of compliance or a certificate~~  
23 ~~of noncompliance, as appropriate, issued in accordance with~~  
24 ~~Section 44015 of the Health and Safety Code.~~

25 ~~(b) With respect to new vehicles certified pursuant to Chapter~~  
26 ~~2 (commencing with Section 43100) of Part 5 of Division 26 of the~~  
27 ~~Health and Safety Code, the department shall accept a statement~~  
28 ~~completed pursuant to subdivision (b) of Section 24007 in lieu of~~  
29 ~~the certificate of compliance.~~

30 ~~(c) For purposes of determining the validity of a certificate of~~  
31 ~~compliance or noncompliance submitted in compliance with the~~  
32 ~~requirements of this section, the definitions of new and used motor~~  
33 ~~vehicle contained in Chapter 2 (commencing with Section 39010)~~  
34 ~~of Part 1 of Division 26 of the Health and Safety Code shall~~  
35 ~~control.~~

36 ~~(d) Subdivision (a) does not apply to a transfer of ownership~~  
37 ~~and registration under any of the following circumstances:~~

38 ~~(1) In any district in which biennial certification is required and~~  
39 ~~a valid certificate was issued in connection with the most recent~~  
40 ~~renewal of registration of the vehicle, and the transfer occurred not~~

1 ~~more than 60 days following the date by which that renewal of~~  
2 ~~registration was required.~~

3 ~~(2) The transferor is either the parent, grandparent, sibling,~~  
4 ~~child, grandchild, or spouse of the transferee.~~

5 ~~(3) A vehicle registered to a sole proprietorship is transferred~~  
6 ~~to the proprietor as owner.~~

7 ~~(4) The transfer is between companies whose principal~~  
8 ~~business is leasing vehicles, if there is no change in the lessee or~~  
9 ~~operator of the vehicle or between the lessor and the person who~~  
10 ~~has been, for at least one year, the lessee's operator of the vehicle.~~

11 ~~(5) The transfer is between the lessor and lessee of the vehicle,~~  
12 ~~if there is no change in the lessee or operator of the vehicle.~~

13 ~~(6) The motor vehicle was manufactured prior to the 1974~~  
14 ~~model year.~~

15 ~~(e) The State Air Resources Board, under Part 5 (commencing~~  
16 ~~with Section 43000) of Division 26 of the Health and Safety Code,~~  
17 ~~may exempt designated classifications of motor vehicles from~~  
18 ~~subdivision (a) as it deems necessary, and shall notify the~~  
19 ~~department of that action.~~

20 ~~(f) Subdivision (a) does not apply to a motor vehicle when an~~  
21 ~~additional individual is added as a registered owner of the vehicle.~~